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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,188	10/27/2000	James H. Parry	21706-05327	6572
33438	7590	06/07/2005		
HAMILTON & TERRILE, LLP			EXAMINER	
P.O. BOX 203518			JAMAL, ALEXANDER	
AUSTIN, TX 78720				
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/699,188	PARRY, JAMES H.
	<b>Examiner</b>	<b>Art Unit</b>
	Alexander Jamal	2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 28 March 2005.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-45 and 47-52 is/are pending in the application.
- 4a) Of the above claim(s) 12,32 and 47 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11,13-31,33-45,48-52 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendments***

1. Based upon claims received 3-28-2005, examiner notes that claims 1,13,16,17,22,33-35 have been amended and claims 12,32,47 have been cancelled.
2. Examiner withdraws the 112 second paragraph rejection to claim 35.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-11,13-20,22-31,33-45,48-52** rejected under 35 U.S.C. 103(a) as being unpatentable over Dent et al. (5680450) as applied to claims 1,22,26,35 and further in view of Kaizer et al. (4709391).

As per **claim 1**, Dent discloses an acoustic echo canceller (ABSTRACT) comprising first signal input 36 (Fig. 1), second signal input 20 and distortion module 21 that models the distortion of the first signal. The distorted signal is passed onto adder 22 in order to remove the echo from the second signal. However, Dent does not disclose a distortion module that models the microphone sensing on the first signal (which is a distortion on the second signal).

Kaizer teaches that both electroacoustic (loudspeakers) and acoustoelectric (microphones) (ABSTRACT) may be modeled with a non-linear network comprising multiple distortion modules (each one modeling a different distortion transfer function) (KAIZER: Col 12 line 13 to Col 13 line 13). He teaches that the model structure will may be used in systems to help reduce the distortion inherent to the transducers (both microphones and loudspeakers and take into account any amplifier clipping (KAIZER: Col 1 lines 33-60). Dent discloses an embodiment of his echo canceller in which the distortion module comprises a filter for the acoustic path modeling of the non-linear aspects of the sound pressure wave (DENT: Col 12 lines 15-50). It would have been obvious to one of ordinary skill in the art at the time of this application that the microphone (and any associated amplifiers) could be modeled for the non-linear distortions, and those distortions used in the echo canceller structure in addition to modeling the loudspeaker distortions for the purpose of further reducing the non-linear distortions in the system when canceling the echoes of the acoustically coupled signal.

As per **claim 22**, claim rejected for same reasons as claim 1 rejection. The device of the claim 1 rejection performs the steps of applicant's claim 22.

As per **claims 35,52**, Dent discloses the claims for the same reasons as the claim 1 rejection. Additionally, Dent discloses that the distortion module may also comprise an

audio sensing module that models the distortion occurring from sensing the audio signal (the D/A filter senses the audio signal) (Col 11 lines 15-45).

As per **claims 2,25,36**, Dent's system is implemented digitally. As such the first and second audio signals would inherently bear sequencing information that would be used by all parts of the system (including the adder module) for the purpose of synchronizing the input audio signals with the echo estimation signal.

As per **claims 3-5**, claims rejected for same reasons as claims 1 and 35. Dent's system models the loudspeaker distortion (model 12 in Fig. 1).

As per **claims 6,40**, Dent's system operates in a standard communication system (Col 1 lines 15-25), as such the distortion modules must inherently alter the modeling path with real-time responsiveness for the purpose of allowing standard, real-time communication to occur between users of Dent's system.

As per **claims 7-10,27-31,37-39,41-44**, Dent discloses the use of a loudspeaker model that models all the non-linear distortions of playing a signal through the loudspeaker (Col 4 lines 55-65). The loudspeaker transfer function inherently (by definition of transfer function) models amplifier clipping on the first audio signal, voice coil displacement on sound waves produced by the loudspeaker, hysteresis in iron inductors on the first audio signal, and harmonic distortion on sound waves produced by the loudspeaker.

As per **claims 11,45**, Dent discloses a filter to account for the linear distortions on the second signal (Col 12 lines 15-45).

As per **claims 18,24**, the amplifier distortion module (DENT: Col 11, lines 20-30) models a pre-established distortion.

As per **claims 19,23**, Dent's system comprises an adaptive distortion module (modules 34,16 in Fig. 1).

As per **claim 20**, Dent's system models non-linear distortions (ABSTRACT).

As per **claim 26**, claim rejected for the same reasons as claim 22.

As per **claims 13,14,48**, Dent's system comprises an additional module (model 34, Fig. 1) to model the echo distortion on the second audio signal.

As per **claims 15,49**, claim rejected for same reasons as claim 6.

As per **claims 16,33,50**, Dent in view of Kaizer discloses the use of a microphone model to model all the non-linear distortions of sensing the audio signal. The non-linear distortions of a microphone includes microphone centerclipping.

As per **claims 17,34,51**, Dent discloses the modeling of the audio amplifier responses (Col 11 lines 17-32) that would include the amplifier zero-crossing.

5. **Claim 21** rejected under 35 U.S.C. 103(a) as being unpatentable over Dent et al. (5680450) in view of Kaizer et al. (4709391) as applied to claim 1, and further in view of McLaughlin (5526426).

As per **claim 21**, Dent discloses applicant's claim 1, however Dent does not disclose the distortion modules operating in the frequency domain.

McLaughlin discloses an echo canceller with distortion module 10 (Fig. 1) that operates in the Frequency domain (ABSTRACT). McLaughlin teaches that processing in the frequency domain is less computationally complex than processing in the time domain (Col 2 lines 15-45). It would have been obvious to one of ordinary skill in the art at the time of this application that the distortions could be modeled in the frequency domain for the advantage of reduced computational complexity.

### ***Response to Arguments***

6. Applicant's arguments filed 3-28-2005 have been fully considered but they are not persuasive.

As per applicant's arguments that there is no motivation to combine the Dent and Kaiser references, Examiner contends that Dent does not teach away from modeling microphone distortions. Dent discloses that microphones and amplifiers have more than adequate linearity specifications, however, that does not teach away from further improvements on the system. Dent is making a comparison between microphones and loudspeakers and noting that the linearity of the microphone (or amplifier) is usually specified and as such, a proper microphone with appropriate linearity specs may be chosen for the system, whereas loudspeakers are usually do not even have linearity

specifications. However, further improving on the distortion modeling (such as by modeling microphone non-linearity) would allow for less-linear microphones to be used in the system (ie. those with less stringent linearity specifications). Examiner contends there is proper motivation to combine the distortion modeling of Dent and Kaiser.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the

Application/Control Number: 09/699,188  
Art Unit: 2643

Page 8

organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

AJ  
May 31, 2005

*George Eng*  
GEORGE ENG  
PRIMARY EXAMINER